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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
 FOR THE
 NORTHERN MARIANA ISLANDS

KENNETH COUTURE,	)	CV NO. 05-0024
)	
Plaintiff,)	
	)	PLAINTIFF'S EX PARTE MOTION FOR
v.	)	ORDER SHORTENING TIME TO HEAR
	)	PLAINTIFF'S MOTION FOR
AMERICAN OVERSEAS MARINE)	)	CONTINUANCE TO CONDUCT
CORPORATION and GENERAL DYNAMICS)	)	ADDITIONAL DISCOVERY PURSUANT
CORPORATION,	)	TO FED. R. CIV. P. 56(f).
)	
Defendants.)	
	)	Time: March 29, 2007
	)	Date: 10:00 a.m.
	)	Judge: Munson

Comes now Plaintiff Kenneth Couture, by and through his attorney of record, Bruce Berline, and, pursuant to Local Rule 7.1.h.3(b) and LcrR 12.1, moves *ex parte* for an Order Shortening Time to Hear Plaintiff's Motion for Continuance to Conduct Additional Discovery Pursuant to Fed. R. Civ. P. 56(f).

This *ex parte* motion is based upon the fact that counsel for Plaintiff filed both an opposition to Defendants' Motion for Summary Judgment and a separate motion based upon Rule 56(f), instead of filing the usual affidavit in lieu of an opposition to a motion for summary judgment. Two motions were

1 filed because Plaintiff believes that he should prevail against the summary judgment motion as a matter
2 of law, however, if additional facts are needed, Plaintiff must have a continuance for the reasons stated
3 in his Rule 56(f) motion

4 Accordingly, because of the relationship of the Rule 56(f) motion with Defendants' summary
5 judgment motion, it is logical to argue Plaintiff's Rule 56(f) motion during the hearing for Defendants'
6 Motion for Summary Judgment - presently scheduled for March 15, 2007 at 10:00 a.m. Currently, the
7 Rule 56(f) motion is scheduled pursuant to this Court's local rules.

8 Counsel for Plaintiff, Bruce Berline, contacted David Ledger, counsel for Defendants, and Mr.
9 Ledger stated that he has no objection to this ex parte request. Mr. Ledger also stated that his office will
10 be filing an opposition to Plaintiff's Rule 56(f) before the hearing on Defendants' Motion for Summary
11 Judgment.

12 Dated this 12th day of February, 2007.

13 _____
14 //s//
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16 Attorney for Plaintiff
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